

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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Demitrus Cooper, *on behalf of himself and others*
similarly situated in the proposed FLSA
Collective Action,

Case No.: 1:23-cv-01707

Plaintiff,

**AFFIDAVIT OF DEMITRUS
COOPER**

- against -

Fire & Ice Trucking, Corp., and Cheryl Owens,

Defendants.

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I, Demitrus Cooper, declare pursuant to 28 U.S.C. § 1746, that:

1. I am the Plaintiff in the above-captioned action, and I am familiar with the facts and circumstances discussed herein based upon personal knowledge.
2. I make this affidavit in further support of Plaintiff's motion for default judgment against Defendants Fire & Ice Trucking, Corp. (the "Corporate Defendant") and Cheryl Owens (the "Individual Defendant", and together with the Corporate Defendant, the "Defendants"), pursuant to Federal Rule of Civil Procedure ("Fed.R.Civ.P.") 55(b) [Dckt. Nos. 25-28] (the "Motion for Default").
3. I was employed as a driver and general worker at Defendants' courier company known as "Fire & Ice Trucking" ("Fire & Ice Trucking"), from approximately May 2017 to, through and including December 2018, and again from July 2021 to, through and including December 2021, and again from June 2022 to, through and including January 4, 2023.
4. My duties at Fire & Ice Trucking required neither discretion nor independent judgment.
5. My duties and responsibilities consisted of, *inter alia*: (i) loading a vehicle at

the dispatch location, located at 300 Maspeth Ave. Brooklyn, NY 11211, with packages; (ii) driving the vehicle within New York City, to deliver packages; before (iii) driving the vehicle to the dispatch location.

6. Throughout my employment, I typically arrived at the dispatch location around 9:00 a.m., each morning.

7. From there, I would drive the vehicle within New York City, to deliver packages.

8. My typical route was in Harlem, New York. I would typically finish my route around 7:00 p.m., each day.

9. Once I finished my route, I would have to drive the vehicle back to the dispatch location. I would typically arrive back at the dispatch location around 8:00 p.m., each day.

10. My duties and responsibilities did not require me to travel out-of-state.

11. From May 2017 to, through and including December 2018, and again from July 2021 to, through and including December 2021, and again from June 2022 to, through and including September 2022, I regularly worked five (5) days per week, from approximately 9:00 a.m. to 8:00 p.m. (i.e., for a total of approximately 11 hours each day), and for a total period of approximately 55 hours during each of the weeks, respectively.

12. From October 2022 to, through and including January 4, 2023, I regularly worked six (6) or seven (7) days per week, from approximately 9:00 a.m. to 8:00 p.m. (i.e., for a total of approximately 11 hours each day), and for a total period of approximately 66 to 77 hours during each of the weeks, respectively.

13. From May 2017 to, through and including December 2018, and again from July 2021 to, through and including December 2021, and again from June 2022 to, through and

including January 4, 2023, I was paid a flat salary of \$750 per week, regardless of how many hours I worked per week.

14. A true and correct copy of an alternate damages spreadsheet, is annexed hereto as Exhibit “A”.


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VERIFICATION

I, Demitrus Cooper, verify under penalty of perjury under the laws of the United States of America and New York that the foregoing facts and statements are true and correct to the best of my knowledge.

Dated: New York, New York
June 21, 2024

Demitrus Cooper



Demitrus Cooper



Notary Public

Jason Mizrahi
Notary Public, State of New York
Registration #02MI6434172
Qualified in New York County
Commission Expires May 31, 2026